

**THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

Writ Petition No.23036 of 2014

ORDER: [Per the Hon'ble Sri Justice *Sanjay Kumar*]

This Writ Petition was filed assailing the order dated 10.5.2013 in Crl. M.P. C.F. No.82 of 2013 and the order dated 13.5.2014 in Crl. M.P.No.95 of 2014 in C.F.No.331 of 2014 passed by the Chief Judicial Magistrate-cum-Principal Assistant Sessions Judge, Nellore. These orders were passed in exercise of power under Section 14 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'SARFAESI Act'). Taking note of the fact that the issue as to whether a Chief Judicial Magistrate has the power to entertain an application filed by a secured creditor under Section 14 of the SARFAESI Act was pending consideration before a Full Bench of this Court, interim stay of further proceedings was granted by this Court on 22.8.2014. Thereafter, the Full Bench delivered its judgment reported in ***T.R. Jewellery & Ors. Vs. State Bank of India & Ors.***¹ holding that the phrase Chief Metropolitan Magistrate under Section 14 of the SARFAESI Act is inclusive of a Chief Judicial Magistrate in non-metropolitan areas.

In the light of the aforesaid judgment, the issue raised in this Writ Petition no longer survives for consideration as it stands settled.

¹ 2016(2) ALD 164(FB)

The Writ Petition is accordingly dismissed.

Interim Order dated 22.8.2014 shall stand vacated.

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

GUDISEVA SHYAM PRASAD, J

Date: 29.06.2017

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